



April 30, 2002

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, D.C. 20554

*Re: CC Docket No. 02-33  
Notice of Proposed Rulemaking (FCC 02-42)*

Dear Ms. Dortch:

On behalf of SkyRiver Communications, Inc, I am writing to express my support for the comments filed on the above-referenced proceeding by The Wireless Communications Association International, Inc. ("WCA"), and to urge the Commission not to impose Universal Service Fund obligations on smaller license-exempt providers of wireless broadband services.

We are a small local business with a staff of just sixteen (16) employees. Since the beginning of 2001, we have been using the 2.4 GHz and 5 GHz license-exempt bands to provide high-speed Internet access to multiple communities in and about San Diego County, CA and San Bernardino County, CA, where there is little or no cable modem or DSL service. Due to the lack of broadband facilities we also provide the City of Ontario, CA with broadband data service for its fire and public safety departments as well as other municipal departments including community services, parks and recreation, and redevelopment housing. Even where cable modem or DSL is available, we are often the only competitive alternative. Despite our small size and lack of funding from the government or the capital markets, we have been able to provide our customers with the type of broadband service usually available only in the larger cities, and we are doing so at an affordable price. We also are providing broadband service to multiple medical, educational and religious organizations giving those entities the ability to use broadband to deliver better and more cost-efficient services to their constituents. The value of our service has been recognized in [cite any awards or public recognition].

Like any other small business, we face many daunting economic challenges but have only limited resources available to us. We therefore are very concerned about the possibility that the Commission will subject us to USF reporting and contribution obligations. Indeed, we estimate that our annual cost of complying with USF reporting obligations would be as much as \$10,000~\$15,000 dollars, not including the additional costs associated with explaining USF charges to subscribers and dealing with any subsequent subscriber complaints.

While we generally support the broad objectives of universal service, we do not believe it is equitable to sacrifice the future of wireless broadband (which operates without subsidy) to support “copper wire” services that wireless is better equipped to provide in underserved areas. Also, we are not an ILEC or a cable MSO, and we simply cannot afford the personnel or administrative resources necessary for USF compliance. Any diversion of what little staff we have will have a direct and immediate adverse effect on our ability to serve our customers. Our business, in other words, would be put at unnecessary risk, and our customers ultimately would pay the price.

We therefore urge the Commission to take these considerations into account and, at a minimum, not impose USF reporting and contribution obligations on smaller license-exempt providers of broadband service. Thank you.

Very truly yours,

Lee M. Gopadze  
CEO & Founder